

**U.S. Department of the Interior
Bureau of Land Management
Royal Gorge Field Office
3028 E. Main Street
Canon City, CO 81212**

DETERMINATION OF LAND USE PLAN CONFORMANCE AND NEPA ADEQUACY

OFFICE: Royal Gorge Field Office

PROJECT NUMBER: DOI-BLM-CO-200-2013-0029 DN

PROPOSED ACTION TITLE/TYPE: Range – Grazing Permit Transfer for Devils Gulch South #05846, East Pond Creek # 05859, Frijole Creek # 05849, Hardscrabble Mtn. #05865, Hunt Canyon # 05740, Iron Mtn. South #05923, La Veta Pass-North 05796, Pond Creek (RGRA) #05790, Vanbromer Arroyo #05788, Yellowstone Creek #05718.

LOCATION/LEGAL DESCRIPTION: Sixth Principle Meridian

Allotment Name	Legal Description
Devils Gulch South	T. 24S R 71W S. 25, 26, 35
Hardscrabble Mtn	T. 22S R. 70W S. 3
Iron Mtn. South	T. 26S R. 68W S.11, 12, 13, 14, 15, and T.26S R. 67W S.7, 18 T. 26S. R66W. S. 6, 15, 21, 22, 28
La Veta Pass North	T. 28S R. 70W S. 2
Yellowstone Creek	T. 28 S R.69W S. 5
Frijole Creek	T.32S., R.58W., Sec. 5 & 6
Hunt Canyon	T.33S., R.61W., Sec. 2
Vanbromer Arroyo	T.31S., R.59W., Sec. 23 & 24
East Pond Creek	T18S R57W Sec. 1
Pond Creek (RGRA)	T18 R57W Sec.25

<u>Allotment</u>	<u>Pertinent NEPA</u>	<u>BLM Acres</u>	<u>County</u>
Devils Gulch South	CO-200-2009-0026 EA	440	Custer/ Huerfano
East Pond Creek	CO-200-2008-0107 EA	199	Crowley
Frijole Creek	CO-200-2007-0115 EA	38	Las Animas
Hardscrabble Mtn.	CO-200-2009-0026 EA	82	Custer
Hunt Canyon	CO-200-2007-0115 EA	308	Las Animas
Iron Mtn. South	CO-200-2009-0027 EA	1,536	Huerfano
La Veta Pass-North	CO-200-2009-0027 EA	40	Huerfano
Pond Creek (RGRA)	CO-200-2008-0107 EA	80	Crowley
Vanbromer Arroyo	CO-200-2007-0115 EA	120	Las Animas
Yellowstone Creek	CO-200-2009-0027 EA	40	Huerfano

A. Description of the Proposed Action and any applicable mitigation measures

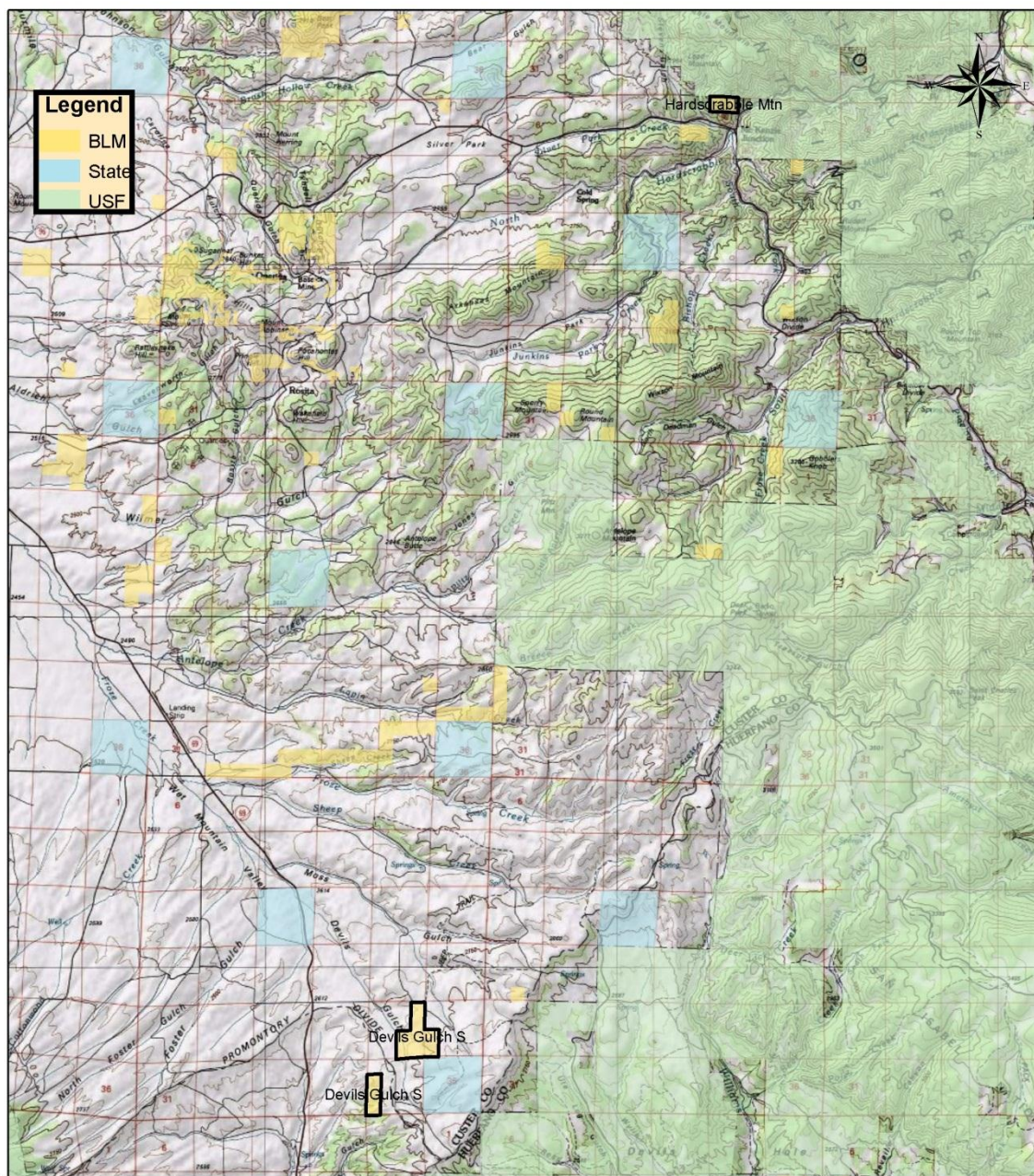
The proposed action is to transfer the authorization to graze livestock on public lands included in the allotments listed in the table above. The new leases/permits will expire after ten years. Grazing use on the allotments will remain as previously scheduled. There will be no changes in livestock numbers; authorized grazing dates and times; authorized levels of use; or terms and conditions.

The allotments have undergone internal interdisciplinary team review through Public Land Health Assessments and are currently meeting public land health standards.

The previous and future management on all allotments listed above, was and will be “custodial management”. Custodial management is generally used on allotments that consist of relatively small or scattered parcels of public lands that are unfenced from large amounts of private land, are difficult to manage separately, and have limited resource issues. In order to be included in a “Custodial” classification, resources on an allotment are generally considered to be in acceptable condition and are generally producing at or near their potential. Under custodial management, the permit includes a specific number of livestock and the specific amount of grazing use (AUMs) authorized on the public land. However, the lessee is not restricted to that specific number of livestock, nor restricted to specific grazing dates, as long as the authorized amount of grazing use on public land within the pasture is not exceeded.

Grazing use on all allotments listed in the table above was and will be scheduled as follows:

<u>Kind</u>	<u>Grazing Period</u>	<u>% Public</u>
	<u>Begin</u> <u>End</u>	<u>Land</u>
Cattle	03/01 – 02/28	100%



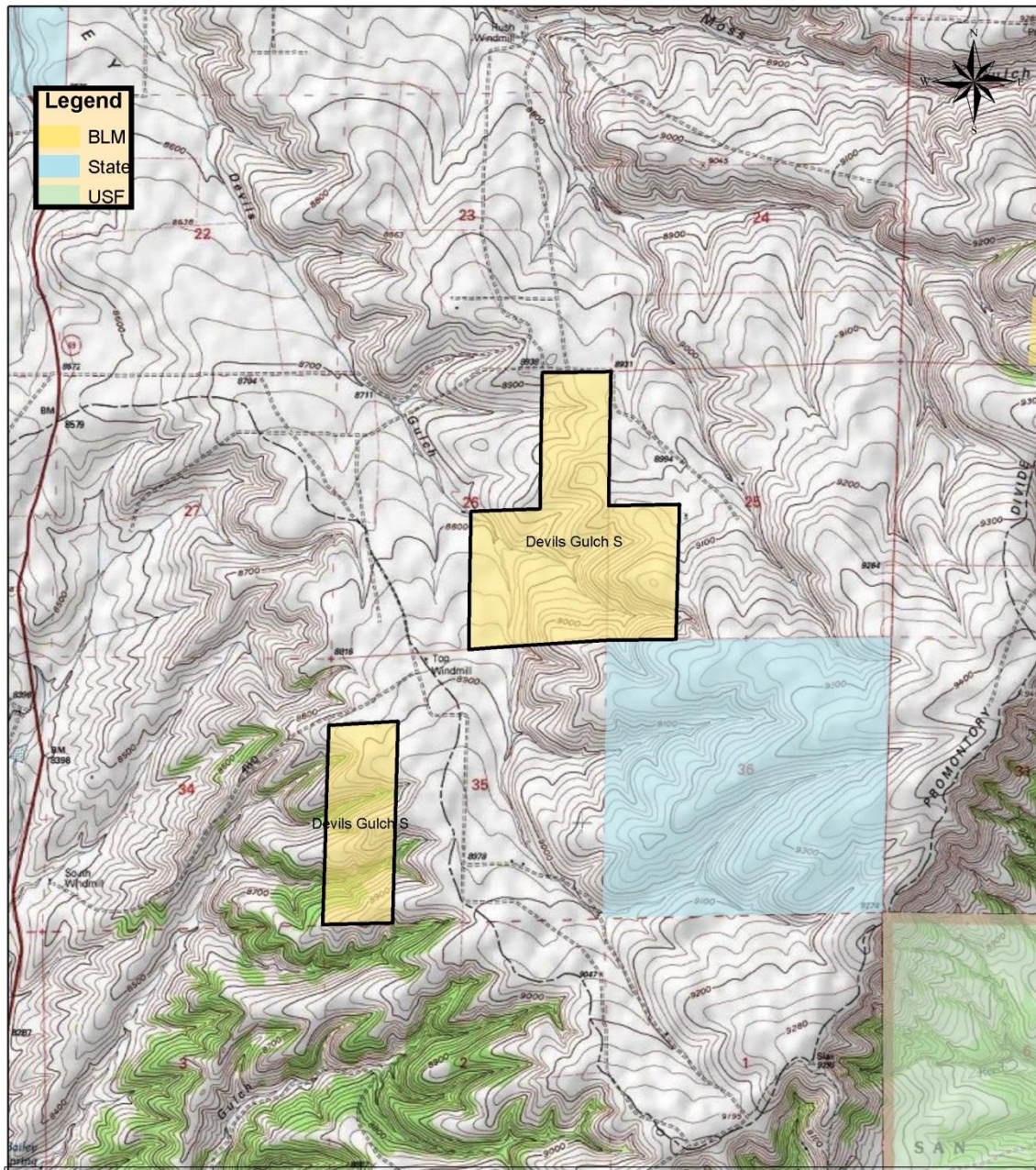
OVERVIEW MAP **Devils Gulch South and** **Hardscrabble Mountain Allotments**

DOI-BLM-CO-200-2013-0029DN

0 0.5 1 2 3 4
 Miles



NOTE TO MAP USERS
 No warrantee is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of the data layers shown on this map. The official land records of the data providers should be checked or current status on any specific tract of land.



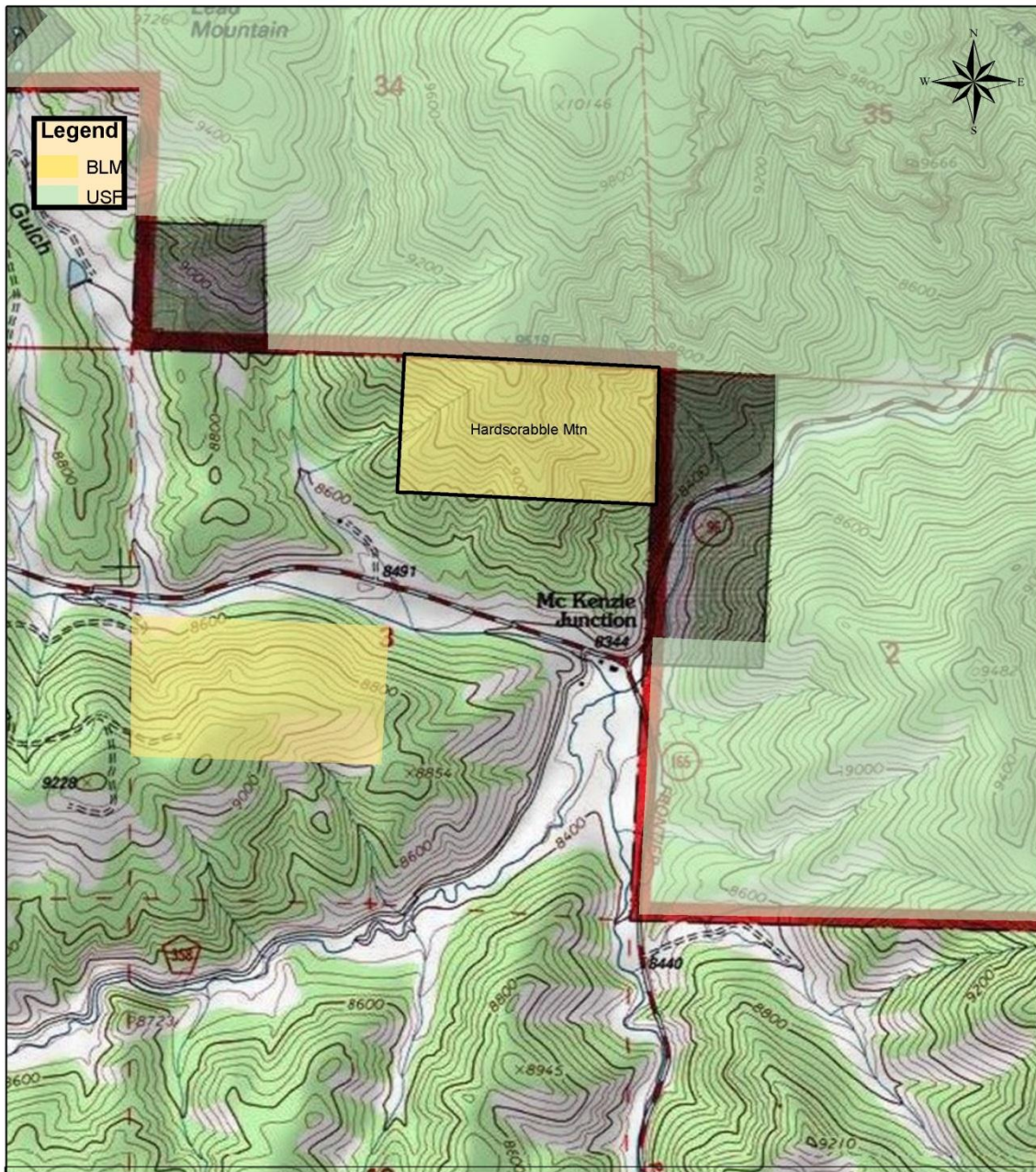
PROJECT MAP Devils Gulch South Allotment

DOI-BLM-CO-200-2013-0029DN



0 0.5 1 2 Miles

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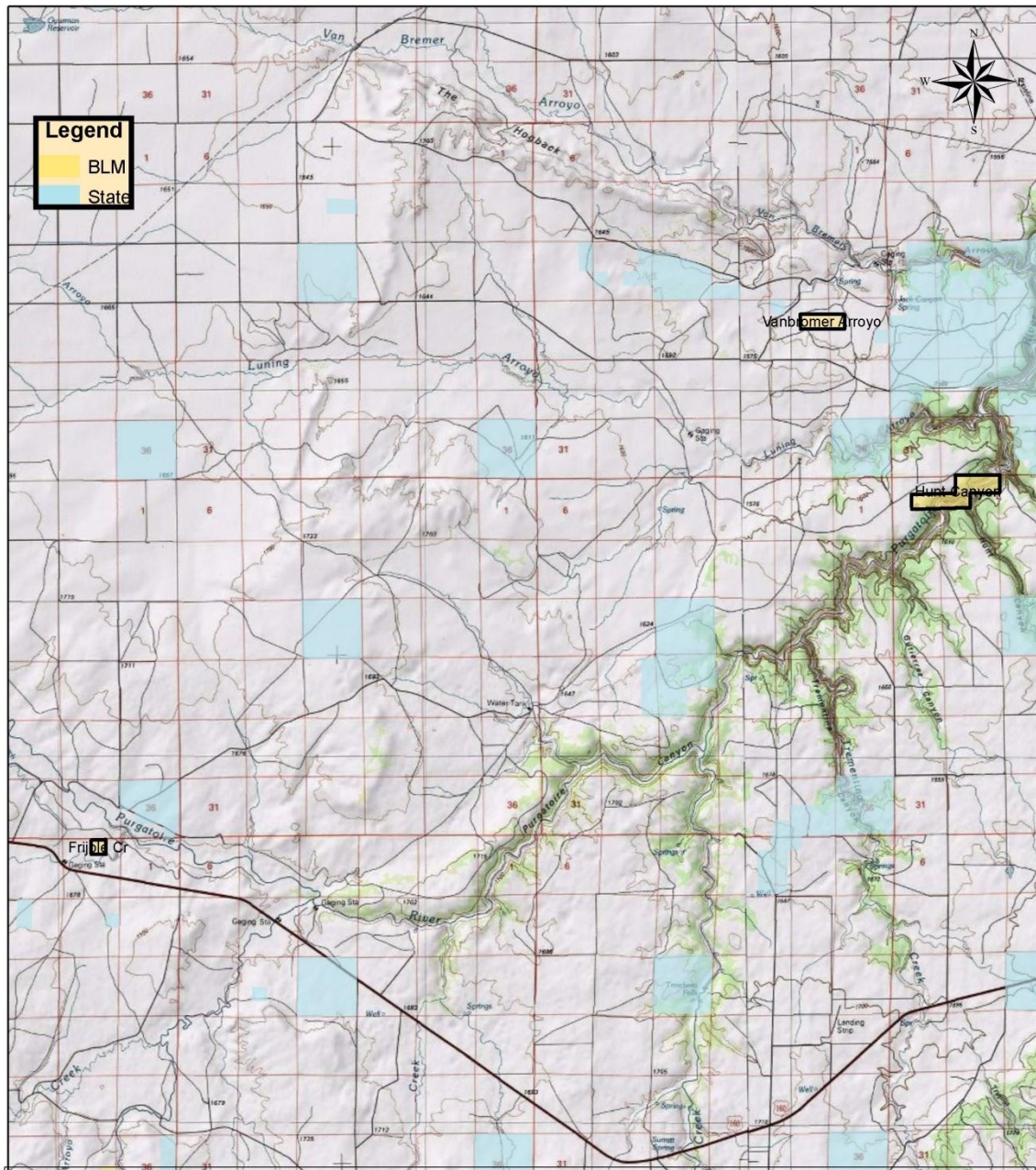


PROJECT MAP Hardscrabble Mountain Allotment

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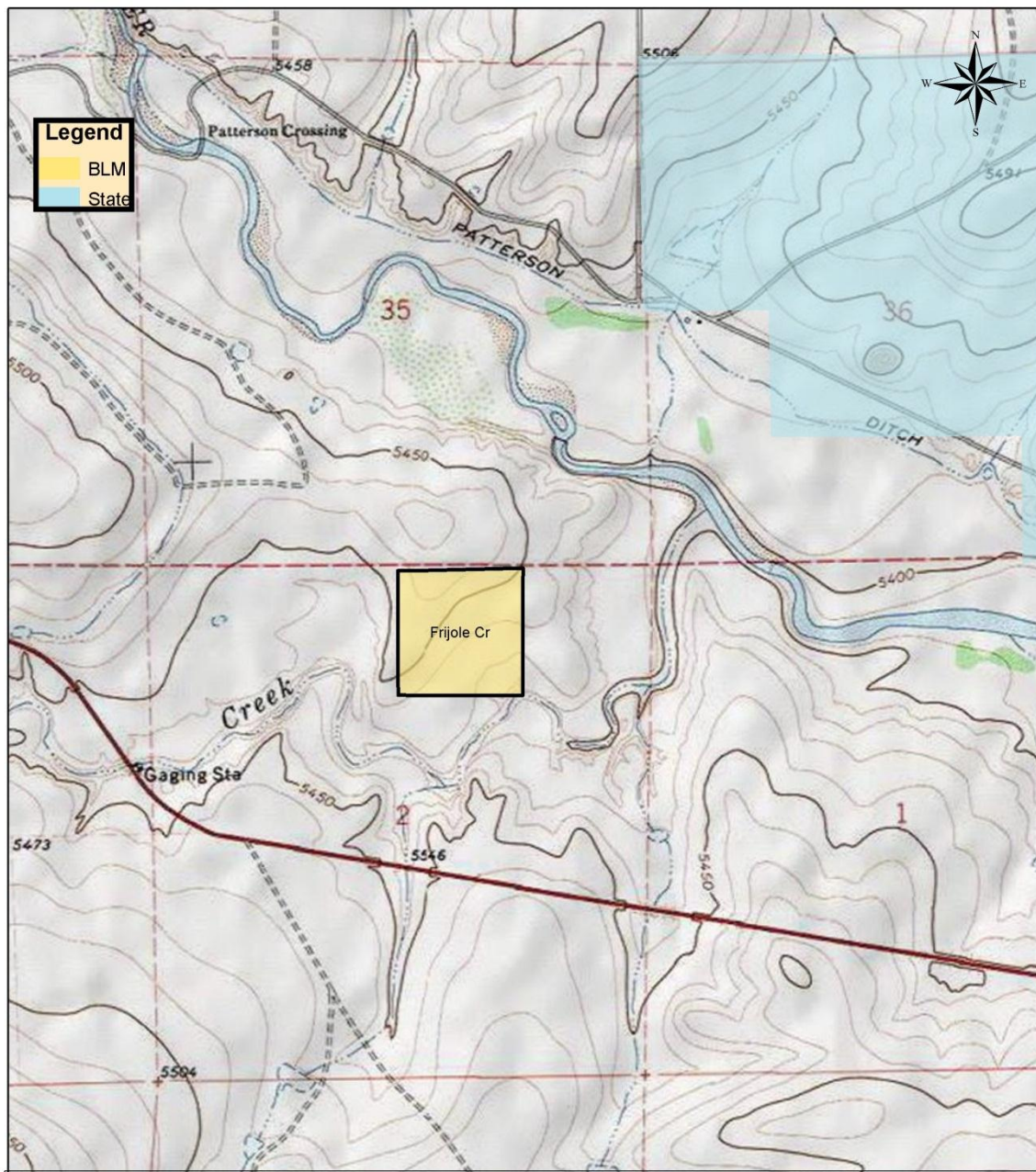
OVERVIEW MAP **Frijole Creek, Hunt Canyon and** **Vanbromer Arroyo Allotments**

DOI-BLM-CO-200-2013-0029DN

0 0.5 1 2 3 4
 Miles



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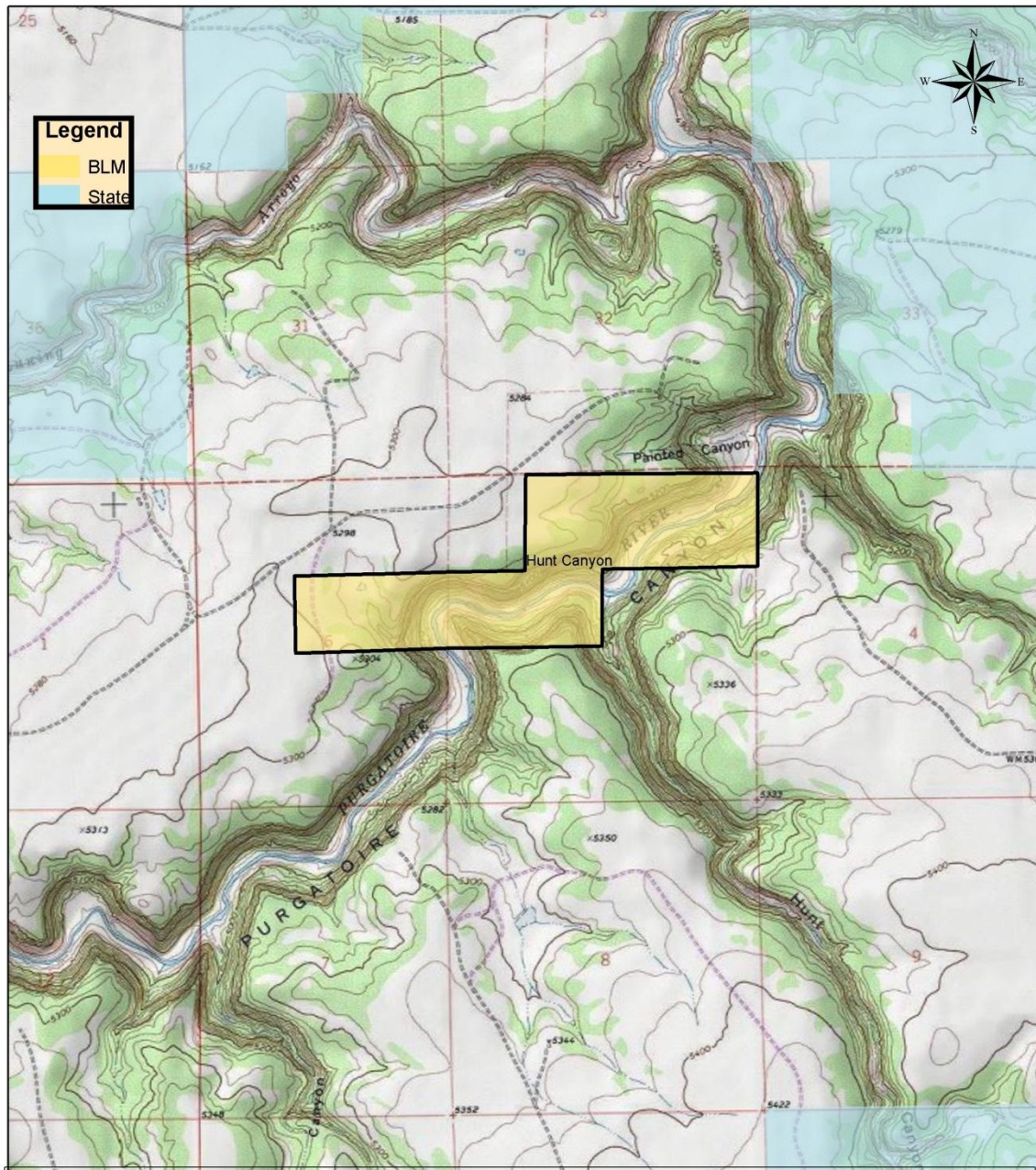
PROJECT MAP Frijole Creek Allotment

DOI-BLM-CO-200-2013-0029DN



0 0.25 0.5 1 Miles

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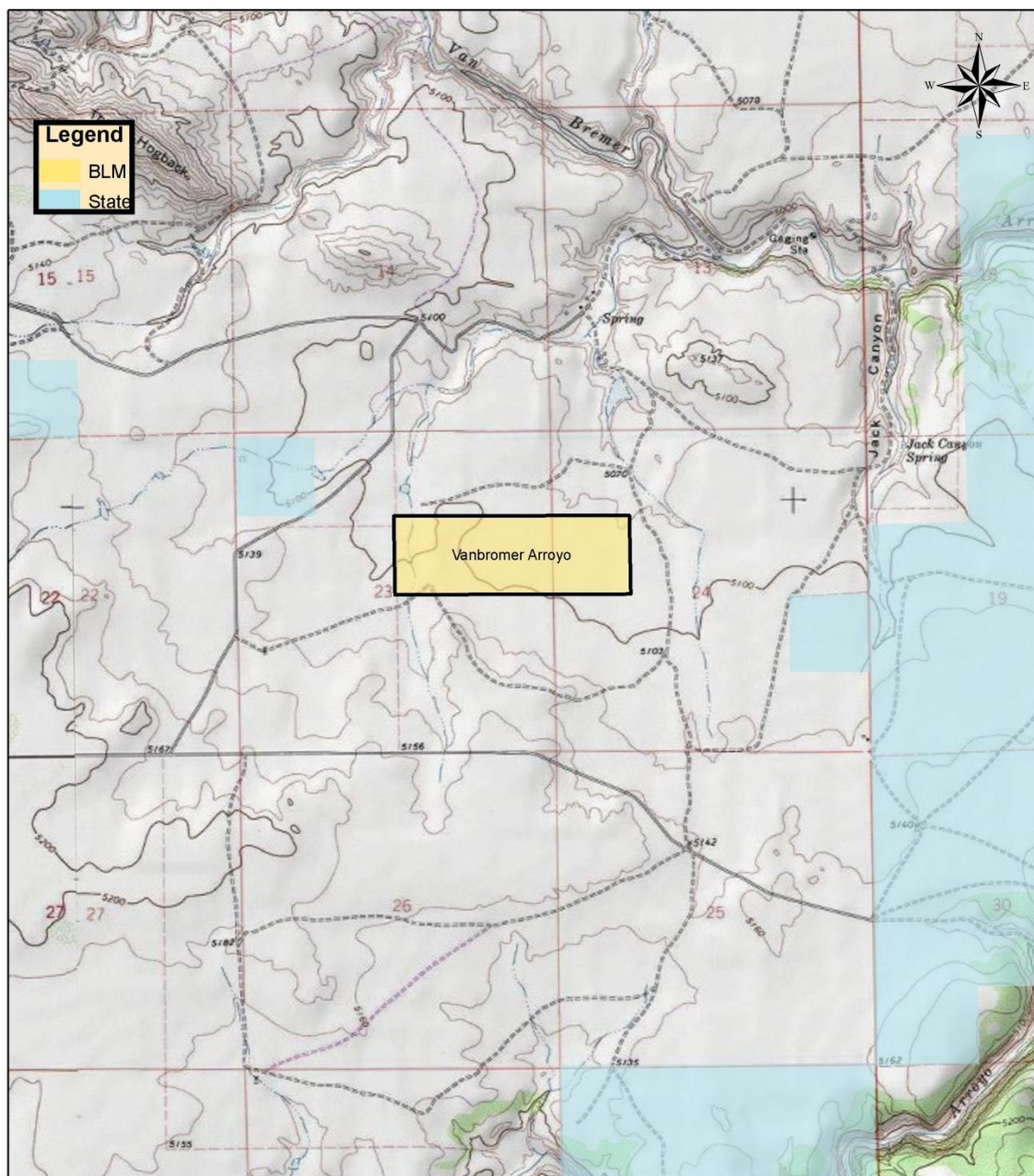
PROJECT MAP Hunt Canyon Allotment

DOI-BLM-CO-200-2013-0029DN



0 0.25 0.5 1 Miles

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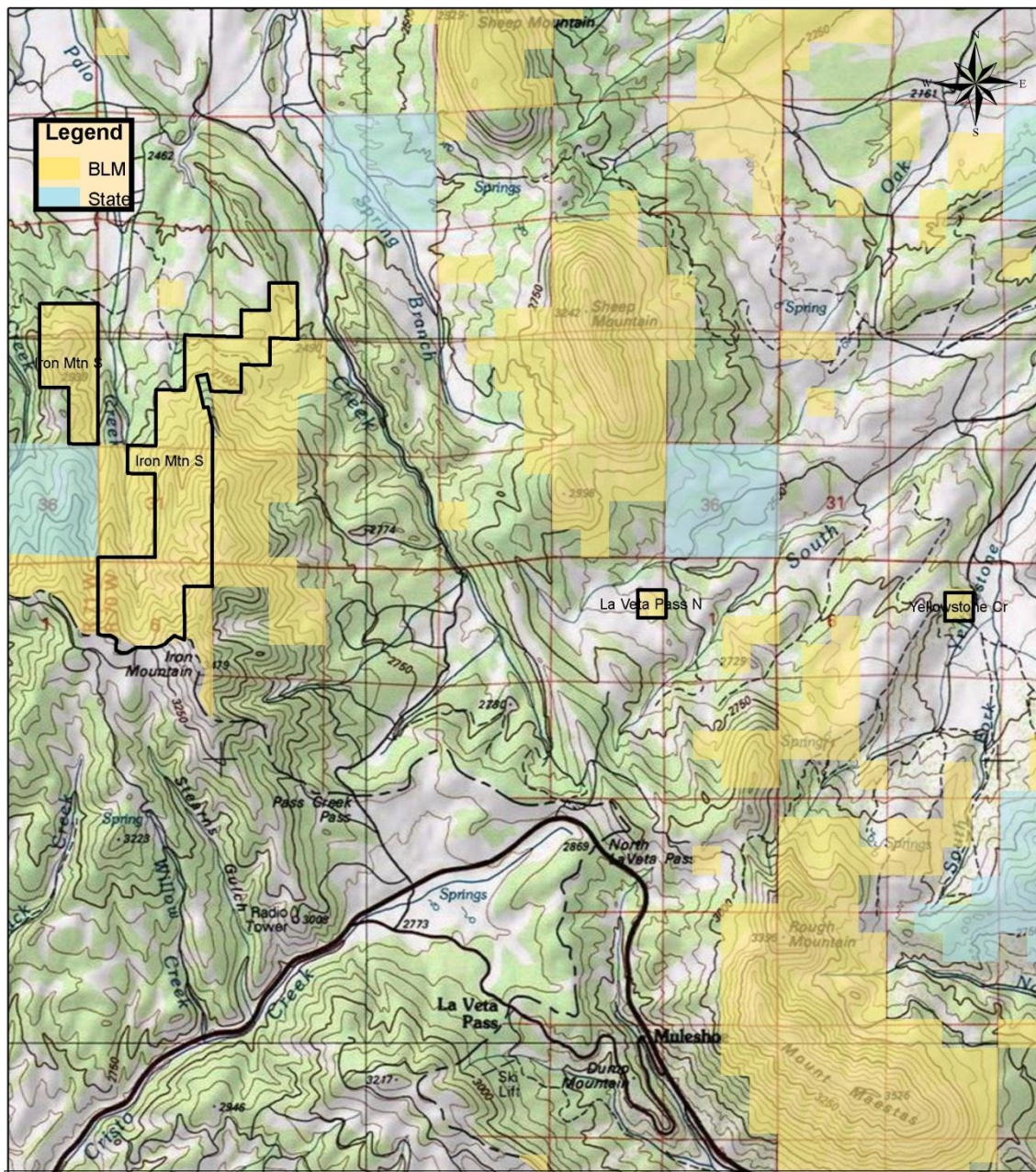
PROJECT MAP Vanbromer Arroyo Allotment

DOI-BLM-CO-200-2013-0029DN



0 0.25 0.5 1 Miles

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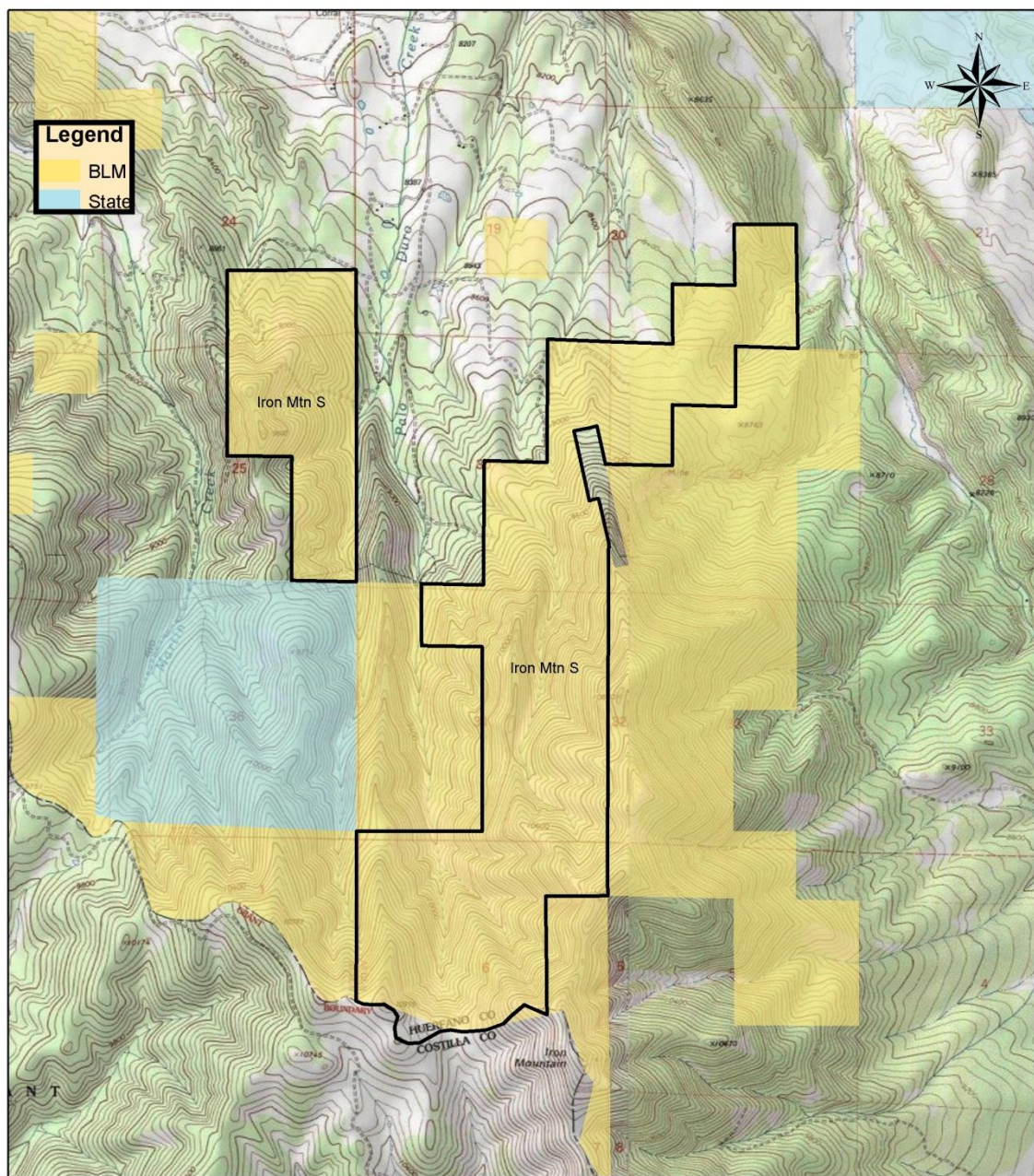


OVERVIEW MAP **Iron Mountain South, La Veta Pass North and** **Yellowstone Creek Allotments**

DOI-BLM-CO-200-2013-0029DN



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PROJECT MAP Iron Mountain South Allotment

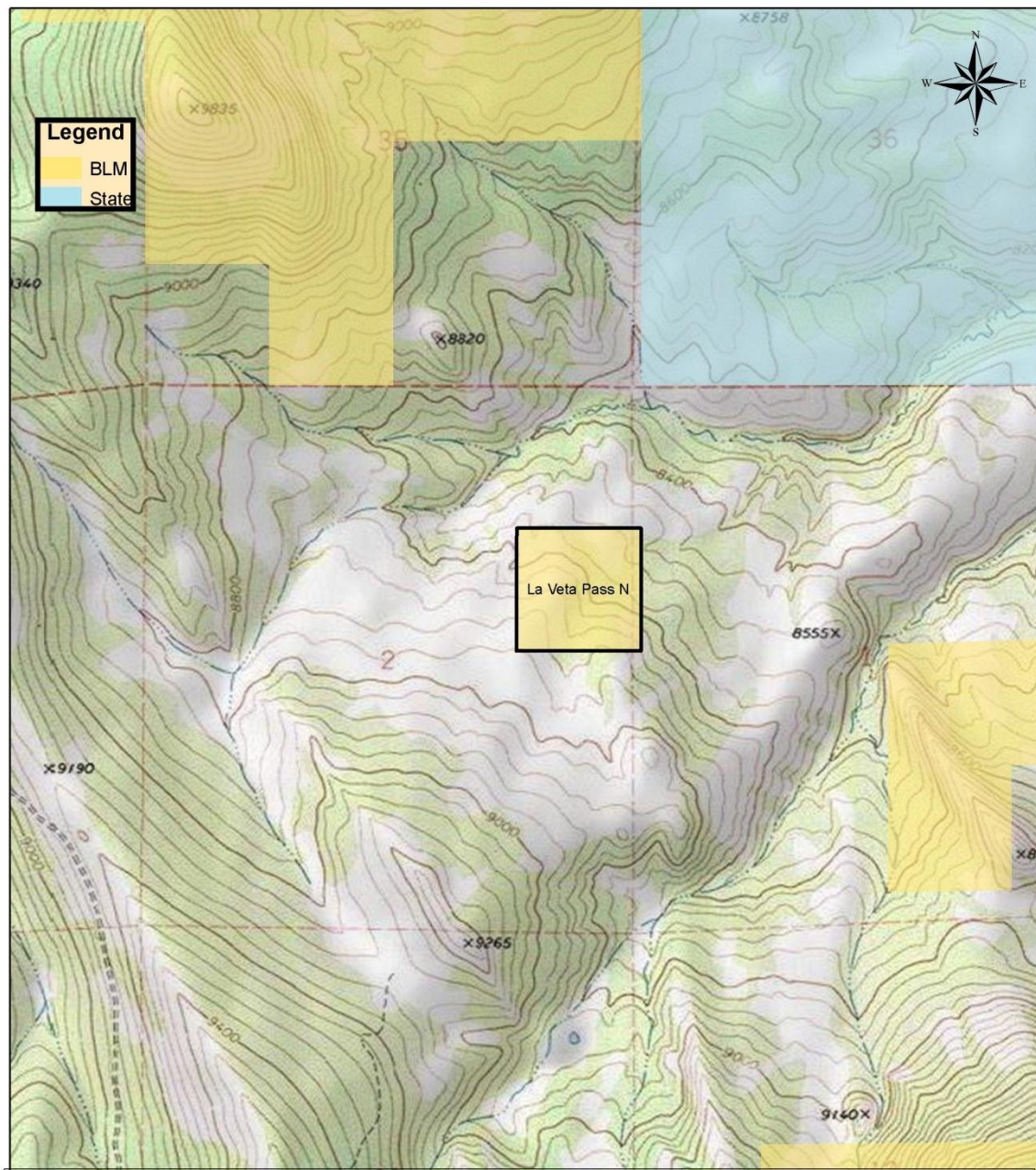
DOI-BLM-CO-200-2013-0029DN



0 0.5 1 2 Miles

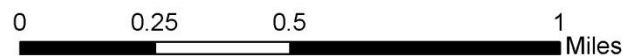
A horizontal scale bar with markings for 0, 0.5, 1, and 2 miles.

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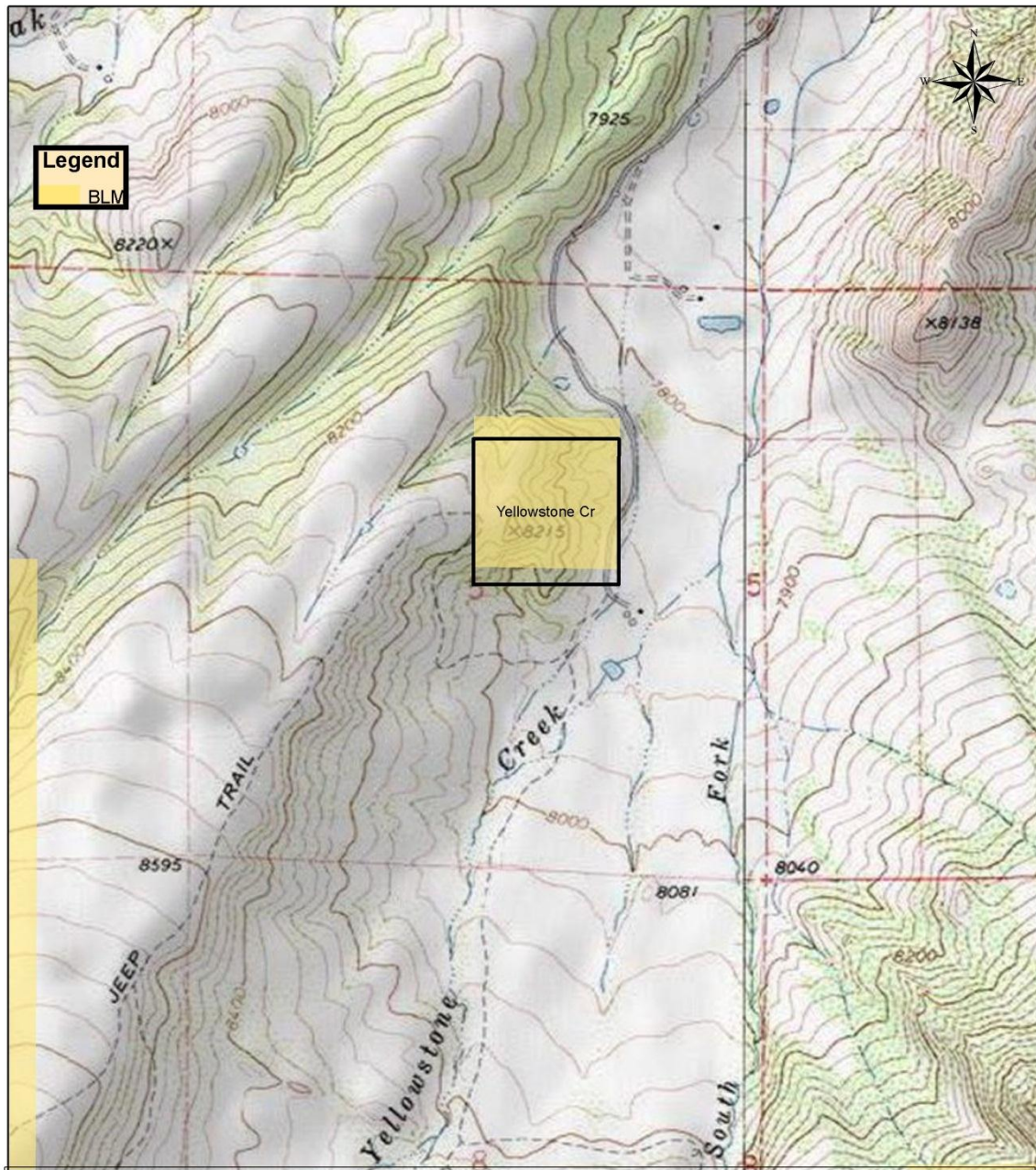


PROJECT MAP **La Veta Pass North Allotment**

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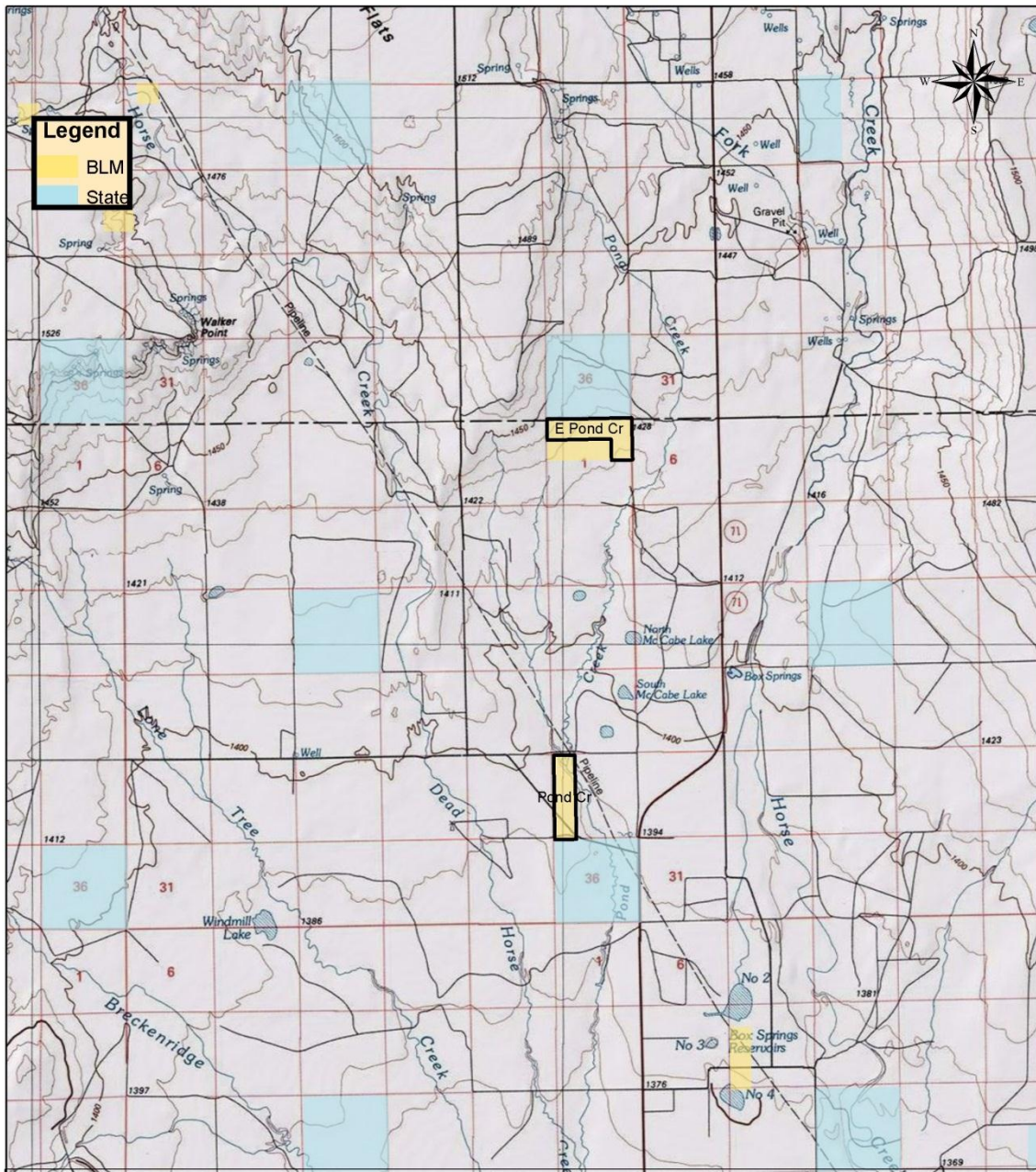
PROJECT MAP Yellowstone Creek Allotment

DOI-BLM-CO-200-2013-0029DN



0 0.25 0.5 1 Miles

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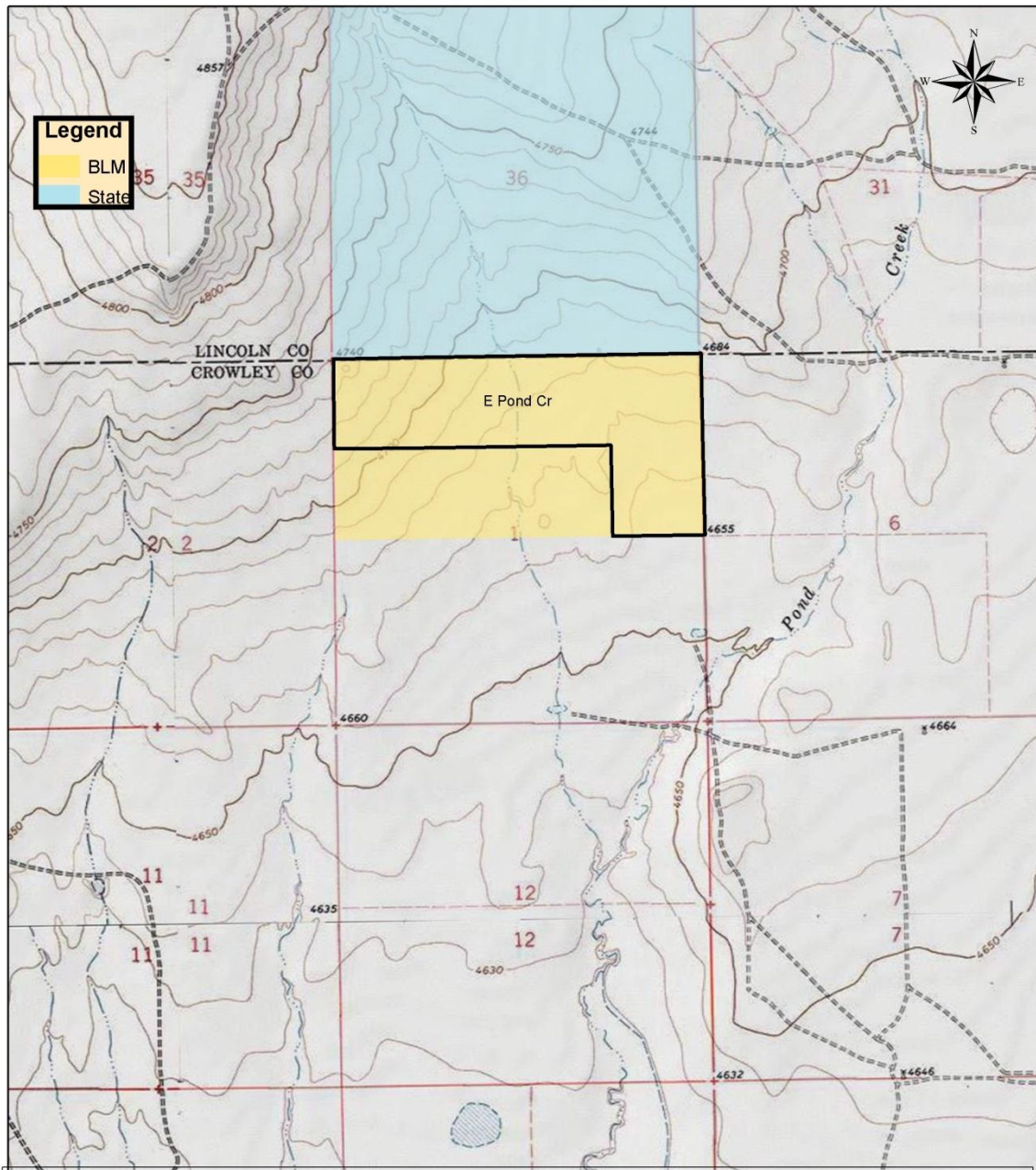
OVERVIEW MAP East Pond Creek and Pond Creek (RGRA)



DOI-BLM-CO-200-2013-0029DN

0 0.5 1 2
Miles

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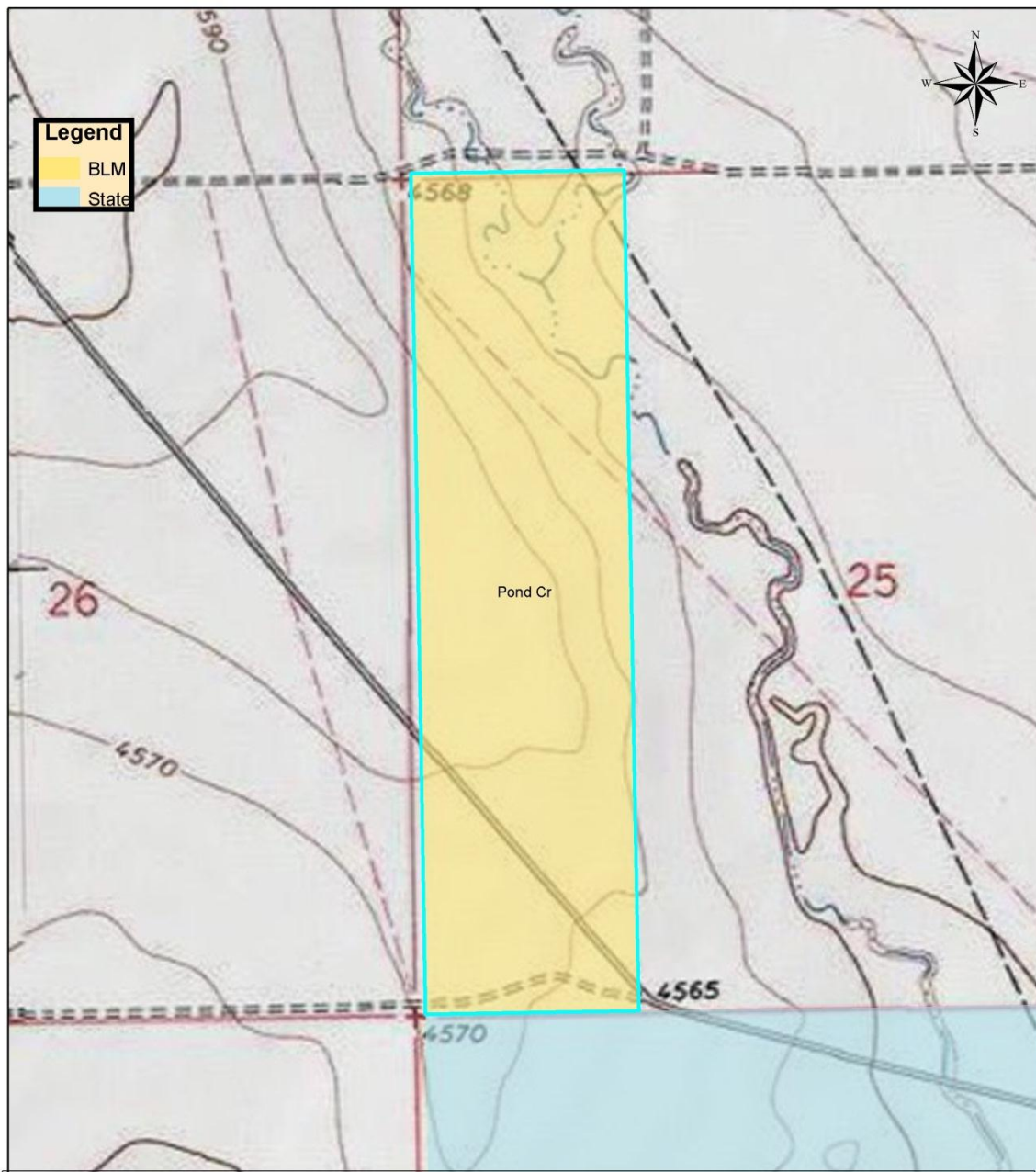
PROJECT MAP East Pond Creek Allotment

DOI-BLM-CO-200-2013-0029DN



0 0.25 0.5 1 Miles

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PROJECT MAP **Pond Creek (RGRA) Allotment**

DOI-BLM-CO-200-2013-0029DN



0 0.125 0.25 0.5
Miles

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Land Use Plan (LUP) Conformance

LUP Name Royal Gorge Resource Management Plan	Date Approved 05/13/1996
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The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decisions: 8-2, 8-4, 10-2, 10-4, C-30, C-44.

Decision Language:

8-2, 10-2: Season of use and stocking rates will continue based on the Grazing EIS and vegetation monitoring.

8-4: Grazing is authorized on 61 allotments.

10-4: Grazing is authorized on 132 allotments.

C-30: Base livestock grazing management on the 1981 Royal Gorge Area Grazing EIS.

C-44: On single pasture allotments with season-long spring/summer grazing, utilization will be held to the 40 to 60 percent range on forage species in lieu of a rest standard. This requirement will be on high elevation allotments where deferment or dormant season use is impractical because of deep snow and fencing the allotment into smaller units is uneconomical. On these allotments, utilization estimates will be made on a key species to prevent over utilization of desirable species.

C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

List by name and date all applicable NEPA documents that cover the proposed action.

Term Grazing Permit Renewals: BLM-CO-200-2007-0115 EA (Frijole Creek, Hunt Canyon, Vanbromer Arroyo), BLM-CO-200-2008-0107 EA (East Pond Creek, Pond Creek (RGRA)), BLM-CO-200-2009-0026 EA (Hardscrabble Mtn., Devils Gulch South), BLM-CO-200-2009-0027 EA (Iron Mtn. South, La Veta Pass-North, Yellowstone Creek).

List by name and date other documentation relevant to the proposed action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).

Public Land Health Assessments: 2007, 2008

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you

explain why they are not substantial?

The Proposed Action is substantially the same action and at the site specifically analyzed in the existing NEPA documents(s). Grazing use on the allotment will remain as previously scheduled. There will be no changes in livestock numbers; authorized grazing dates and times; authorized levels of use; or terms and conditions.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?

Yes. The RMP/EIS and EA's considered a range of alternatives. The existing EA's for permit renewal were conducted in 2007, 2008, 2009, and continue to be appropriate for current conditions. The EAs included a proposed action alternative, which would have provided for any change in grazing or season of use, a no action alternative that would have continued grazing as previously scheduled and a no grazing alternative. No new environmental conditions or change in resource values have arisen that would invalidate those alternatives analyzed.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

Yes. The previous information and circumstances and analysis are still valid in light of the 2007 and 2008 Health Assessments, and no new issues concerning grazing have arisen on these allotments. Also, the EAs for term permit renewal were recently completed.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Yes. The impacts remain unchanged. Those impacts, including cumulative impacts, normally associated with livestock grazing are mitigated through managed grazing schedules, pasture rotations and monitoring of land health standards.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Yes. Extensive scoping and public involvement occurred in the RMP/EIS. Also, scoping occurred during the recent permit renewal.

E. Persons/Agencies /BLM Staff Consulted

INTERDISCIPLINARY TEAM REVIEW			
NAME	TITLE	AREA OF RESPONSIBILITY	Initials/date
Matt Rustand	Wildlife Biologist	Terrestrial Wildlife, T&E, Migratory Birds	MR, 2/11/2013
Jeff Williams	Range Management Spec.	Range, Vegetation, Farmland	-----
Chris Cloninger	Range Management Spec.	Range, Vegetation, Farmland	-----
John Lamman	Range Management Spec.	Range, Vegetation, Farmland, Weeds	JL, 02/06/2013
Dave Gilbert	Fisheries Biologist	Aquatic Wildlife, Riparian/Wetlands	DG, 02/11/13
Stephanie Carter	Geologist	Minerals, Paleontology, Waste Hazardous or Solid	SSC, 2/12/13
Melissa Smeins	Geologist	Minerals, Paleontology	-----
John Smeins	Hydrologist	Hydrology, Water Quality/Rights, Soils	JS, 2/6/13
Ty Webb	Prescribed Fire Specialist	Air Quality	TW, 2/8/13
Jeff Covington	Cadastral Surveyor	Cadastral Survey	JC, 2/6/13
Kalem Lenard	Outdoor Recreation Planner	Recreation, Wilderness, LWCs, Visual, ACEC, W&S Rivers	KL, 2/6/2013
John Nahomenuk	River Manager	Recreation, Wilderness, LWCs, Visual, ACEC, W&S Rivers	-----
Ken Reed	Forester	Forestry	KR, 2/11/13
Martin Weimer	NEPA Coordinator	Environmental Justice, Noise, SocioEconomics	mw, 2/6/13
Monica Weimer	Archaeologist	Cultural, Native American	-----
Erin Watkins	Archaeologist	Cultural, Native American	EW, 3/19/2013
Vera Matthews	Realty Specialist	Realty	VM, 2/6/2013
Bob Hurley	Fire Management Officer	Fire Management	BH, 2/8/2013
Steve Cunningham	Law Enforcement Ranger	Law Enforcement	

Other Agency Represented: None

REMARKS:

Threatened and Endangered Species: Hardscrabble (Wet Mountain Lynx Analysis Unit) and Iron Mountain South, La Veta Pass North, and Yellowstone Creek (Sangres Lynx Analysis Unit) are located within Canada lynx analysis units (LAU). Impacts of grazing were analyzed in detail in the previous environmental assessments this document is tiered to. Based on this analysis, implementing the proposed action to transfer these livestock grazing permits within the BLM's Royal Gorge Field Office **may affect, but is not likely to adversely affect** the continued existence of the Canada lynx or result in destruction or adverse modification of critical habitat. Any effects would likely be insignificant and/or discountable for Canada lynx.

Cultural Resources: Pursuant to BLM Instruction Memorandum Number CO-2002-029, RGFO cultural resources staff conducted a literature review of previous inventories and sites recorded on the public land in the allotment area [see Report CR-RG-13-114(R) CR-RG-09-34 (RR), CR-RG-08-123 (RR)]. Based on the information collected during the literature review, it was determined that no historic properties would be impacted by the proposed undertaking.

Native American Religious Concerns: The literature review indicated that no traditional cultural properties have been recorded within the allotment boundaries. Native American Tribal consultation has been completed for these allotments [see Report CR-RG-13-114(R) CR-RG-09-34 (RR), CR-RG-08-123 (RR). There is no other known evidence that suggests the project area holds special significance for Native Americans. Therefore, it is unlikely that any traditional cultural properties or other sites of concern to the tribes will be affected by grazing.

CONCLUSION

DOI-BLM-CO-200-2013-0029 DN

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of the NEPA.

SIGNATURE OF PROJECT LEAD: John Lamman /s/

SIGNATURE OF NEPA COORDINATOR: /s/ Martin Weimer

SIGNATURE OF NEPA SUPERVISOR: Melissa K.S. Garcia

SIGNATURE OF THE RESPONSIBLE OFFICIAL: /s/ Keith E. Berger
Keith E. Berger, Field Manager

DATE: 4/4/13

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.